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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/573,515 | 03/27/2006 | Karl-Erik Neumann | 06-202 | 3552 |
| 20306 | 7590 | 10/09/2007 | EXAMINER | |
| MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP | | | MILLS, DANIEL J | |
| 300 S. WACKER DRIVE | | ART UNIT | | PAPER NUMBER |
| 32ND FLOOR | | 3679 | | |
| CHICAGO, IL 60606 | | MAIL DATE | | DELIVERY MODE |
| | | 10/09/2007 | | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|-----|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/573,515 | NEUMANN | |
| | Examiner | Art Unit | DJM |
| | Daniel J. Mills | 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 March 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/27/2006</u> | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

Claim 2 is objected to because of the following informalities: "positioning head" (line 2) should be changed to --machine connected positioning head--.

Claim 3 is objected to because of the following informalities: "anyone" (line 2) should be changed to --any one--.

Claims 4-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and, cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "and/or" (lines 3 and 5) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hulsebos (GB 252,499).

Regarding claim 1, Hulsebos discloses a joint *fully capable* of connection to a machine setting device mounted in a parallel-kinematical machine, wherein the setting device is adapted to move a machine-connected position head in space, characterized in that the setting device is mounted about a wobbler for rotation about a wobbler axis wherein the wobbler, is, in turn, mounted for rotation about a main axis that extends through the setting-device bearing means around the wobbler.

Regarding claim 3, Hulsebos discloses a joint wherein the wobbler axis and the main axis mutually intersect at an angle α , where α is between 1° and 45° .

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lunz (DE 199004702).

Regarding claim 1, Lunz discloses a joint (9) *fully capable of* connection to a machine setting device (10) mounted in a parallel-kinematical machine (1), wherein the setting device is adapted to move a machine-connected position head (11) in space, characterized in that the setting device (5) is mounted about a wobbler (8) for rotation about a wobbler axis wherein the wobbler, is, in turn, mounted for rotation about a main axis that extends through the setting-device bearing means around the wobbler (at 8).

Regarding claim 2, Lunz discloses a joint, characterized in that the joint is disposed between the setting device and the positioning head or, alternatively, between the setting device and/or a frame (3), wherein one end of the setting device is mounted for rotation about the wobbler which, in turn, is rotatably mounted to the positioning head and/or to the frame for rotation about said main axis.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gosselin et al. (US 6,729,202 and US 20030121351), Rosheim (US 6,658,962), Chang et al. (US 6,719,506), Ashburn et al. (US 5,823,906), Armstrong (US 4,852,418), Cook et al. (US 5,964,664), Sheldon (US 5,864,063), Yoshizawa (US 6,035,733), are cited for pertaining to the art of joints.

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJM

DJM
9/30/2007



GREGORY J. BINDA
PRIMARY EXAMINER